

**AMENDMENTS TO THE DRAWINGS**

Ten (10) replacement sheets containing amended FIGS. 3-11 are attached to this paper. The replacement sheets are being submitted for purposes of formalizing the drawings and correcting the hand-written annotations used in the original drawings. The Applicant submits that no new matter has been entered by the ten replacement sheets of FIGS. 3-11.

### **REMARKS / ARGUMENTS**

The present application includes pending claims 1-29, all of which have been rejected. By this Amendment, claims 1-6, 10-12, 15-17, 19-21, and 27-29 have been amended, as set forth above, to further clarify the language used in these claims and to further prosecution of the present application. The Applicant respectfully submits that the claims define patentable subject matter.

Initially, the Applicant notes that a goal of patent examination is to provide a prompt and complete examination of a patent application.

It is essential that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the *initial review* of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, Office personnel *should* state *all* reasons and bases for rejecting claims in the *first* Office action. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

See Manual of Patent Examining Procedure (MPEP) § 2106(II). As such, the Applicant assumes, based on the goals of patent examination noted above, that the present Office Action has set forth “all reasons and bases” for rejecting the claims.

Claims 1-29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0104099, issued to Novak (hereinafter,

Novak). The Applicant respectfully traverses these rejections at least based on the following remarks.

## **REJECTION UNDER 35 U.S.C. § 102**

### **I. Novak Does Not Anticipate Claims 1-29**

The Applicant first turns to the rejection of claims 1-29 under 35 U.S.C. 102(e) as being anticipated by Novak. With regard to the anticipation rejections under 102(e), MPEP 2131 states that “[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See *id.* (internal citation omitted).

Without conceding that Novak qualifies as prior art under 35 U.S.C. § 102(e), the Applicant traverses the rejection as follows.

#### **A. Rejection of Independent Claim 1, 12, 16, and 27**

With regard to the rejection of independent claim 1 under 102(e), the Applicant submits that Novak does not disclose or suggest at least the limitation of “the software platform receiving authentication information associated with a user of the communication device, and facilitating a display of a user-defined selection from the

media content by the communication device in a user-defined layout, wherein the software platform is operable to communicate the media content to the communication network, and wherein the selection from the media content is defined by the user and corresponds to the received authentication information,” as recited by the Applicant in independent claim 1. The Office Action states the following:

Consider claim 1, Novak clearly teaches a system for supporting multiple users of a communication device (Fig. 1), comprising:

a communication device communicatively coupled to a communication network; (Fig. 3: STB 308 is coupled to the Internet 302, [0045].)

media content disposed in the communication network or the communication device (Media content can be stored in the STB, Fig. 1 [0032], or on the network, Fig. 3 [0047].), the media content comprising broadcast media and personal media; (The content maybe broadcast, [0027, or user created, [0062].)

a software platform residing on the communication device ([0077]), the software platform receiving authentication information (Fig. 11: Access to the synthetic channel can be password protected, [0084].) and facilitating a display of a user-defined selection from the media content by the communication device (Fig. 11: Block 114, [0085]) in a user-defined layout (Fig. 7: The user defines the layout of the display, [0063].), the software platform being adapted to communicate the media content to the communication network. (Fig. 11: Media objects are uploaded to a server, [0078].)

See Office Action at pages 2-3. With regard to the software platform functionalities, the Office Action relies for support on FIGS. 7 and 11 of Novak. Initially, the Applicant points out that Novak discloses two distinct roles for users within the media system of FIG. 1 – individuals who upload media and end users. For example, certain individuals

(e.g., upload source 122) can upload media objects to a server and specify a manner in which the media objects are to be played as a media program to an end user. The media program can be provided to an end user via a synthetic channel, which can be tuned to or selected by the end user as if tuning to a conventional television broadcast channel. See Novak at Abstract and ¶ 0010. Novak, at FIGS. 5-7, discloses how **an upload source can organize/schedule the synthetic channel**. Novak, at FIG. 11, discloses how **an end user receives/views the synthetic channel**. In other words, **the synthetic channel is set up by the uploader, or the upload source, and it is only viewed by the end user, where the upload source 122 is different from the viewer (end user) of the EPG 153**.

The Office Action is equating the password entered by the end user for protecting access to the synthetic channel (Novak at ¶ 0084) to Applicant's "authentication information associated with a user of the communication device," as recited in Applicant's claim 1. In other words, Novak's entered password is associated with the end user viewing the EPG 153. However, the end user does not have any control over what media is included in the media channel as such functionality is reserved for the uploader, or the upload source 122. In this regard, Novak does not disclose "wherein the selection from the media content is defined by the user," as recited in Applicant's claim 1.

Furthermore, the Applicant points out that the Office Action equates Novak's set-top box 152 with Applicant's "communication device." However, Novak does not

disclose that the STB 152 has the functionality of communicating (or forwarding/pushing) media content back to the communication network. Therefore, Novak also does not disclose or suggest “the software platform is operable to communicate the media content to the communication network,” as recited in Applicant’s claim 1.

Accordingly, independent claim 1 is not anticipated by Novak and is allowable. Independent claims 12, 16, and 27 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 12, 16, and 27 are also allowable over the reference cited in the Office Action at least for the reasons stated above with regard to claim 1.

**B. Rejection of Dependent Claims 2-11, 13-15, 17-26, and 28-29**

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 12, 16, and 27 under 35 U.S.C. § 102(e) as being anticipated by Novak has been overcome and requests that the rejection be withdrawn. Additionally, claims 2-11, 13-15, 17-26, and 28-29 depend from independent claims 1, 12, 16, and 27, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2-11, 13-15, 17-26, and 28-29.

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Reply to Office Action of March 18, 2008

### **CONCLUSION**

Based on at least the foregoing, the Applicant believes that all claims 1-29 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

Date: 18-JUN-2008

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